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December 28, 2020

**BY ECF**

Honorable Sarah L. Cave  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Karen Eubanks v. The New York City Department of Education, et al.  
Docket No. 18 Civ. 7877 (LJL) (SCL)

Dear Judge Cave:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, attorney<sup>1</sup> for Defendants Board of Education of the City School District of the City of New York (sued herein as “The New York City Department of Education”), Manuel Ureña, and Elma Reingold in the above-referenced action. I write this response to Plaintiff’s letter motion (ECF Dkt. No. 55) for a *nunc pro tunc* extension of her time, from December 21, 2020 until December 31, 2020, to file opposition to Defendants’ Motion for Summary Judgment (ECF Dkt. Nos. 40-45). Defendants take no position with regard to Plaintiff’s request for a *nunc pro tunc* extension, but write to correct factual inaccuracies in Plaintiff’s letter motion.

Contrary to Plaintiff’s assertion, Plaintiff did not “confer[] with opposing counsel about this request for an extension,” nor did Defendants’ counsel previously consent to Plaintiff’s motion for a *nunc pro tunc* extension of Plaintiff’s time to file opposition to Defendants’ Motion for Summary Judgment, from December 21, 2020, to December 31, 2020. (ECF Dkt. No. 55). Rather, at 9:13 pm on December 21, 2020, Plaintiff emailed Ms. Quinn and requested a one-day extension of her time to file opposition, from December 21, 2020, until December 22, 2020, so that Plaintiff could “scan at Staples.” *See* Exhibit A, annexed hereto. Defendants consented to that request. *Id.* However, Plaintiff did not thereafter file a letter motion for the aforementioned extension. Thus, Plaintiff did not seek Defendants’ consent regarding an extension until December 31, 2020, prior to filing her letter motion.

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<sup>1</sup> I write this response on behalf of lead counsel for Defendants, Assistant Corporation Counsel Rebecca Quinn, who is on mandatory mayoral furlough today, December 28, 2020.

Defendants leave Plaintiff's letter motion for a *nunc pro tunc* extension to the sound discretion of this Court, but respectfully note that the Court's Order dated December 8, 2020 (ECF Dkt. No. 54), granting Plaintiff's fourth request for an extension of her time to file opposition to Defendants' Motion for Summary Judgment, stated that "[f]urther extensions will not be granted."

Respectfully submitted,

/s/ J. Kevin Shaffer

J. Kevin Shaffer

Assistant Corporation Counsel

cc: Karen Eubanks (by electronic mail)  
*Plaintiff pro se*  
70 LaSalle Avenue  
New York, NY 10027  
clarityphase@cs.com

Plaintiff pro se Karen Eubanks' Letter-Motion (ECF No. 55) requesting an extension of time to respond to Defendants' Motion for Summary Judgment ("Motion") is GRANTED, and Plaintiff's deadline is EXTENDED to **Thursday, December 31, 2020**.

The Court has repeatedly extended Ms. Eubanks' deadline to respond to the Motion (see ECF Nos. 47, 49, 52, 54), and on December 8, 2020 the Court indicated that "[f]urther extensions will not be granted." (ECF No. 54 at 2). Accordingly, if Plaintiff's response to the Motion is not filed by December 31, 2020, Defendants' Motion will be deemed unopposed and the Court will rule on the Motion in due course.

The Clerk of Court is respectfully directed to mail a copy of this order to Ms. Eubanks at the address below.

SO-ORDERED 12/29/2020

Mail To: Karen Eubanks  
70 Lasalle Avenue  
New York, New York 10027

  
SARAH L. CAVE  
United States Magistrate Judge